

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 15898-AD17-0101-001

IN THE MATTER OF:

Jessica Toth
254 Suburban St
Danville, IN 46122

Applicant.

FILED

MAY 12 2017

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On April 18, 2017, the Administrative Law Judge, Reuben B. Hill, filed his Findings of Fact, Conclusions of Law and Recommended Order in the above-captioned matter.

1. The Department served Findings of Fact, Conclusions of law, and Recommended Order and Notice of Filing Recommended Order on Respondent by mailing the same to her address of record.

2. The Department has complied with the notice requirements of Ind. Code §4-21.5-3-17.

3. Neither party has filed an objection with the Commissioner regarding the Administrative Law Judge's Findings of Fact, Conclusions of Law and Recommended Order, and more than eighteen (18) days have elapsed.

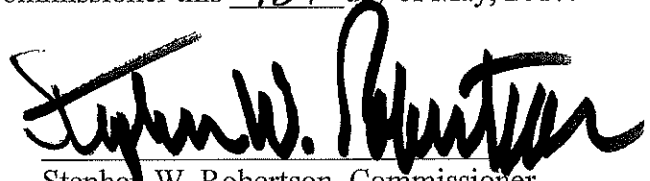
Therefore, the Commissioner of Insurance, being fully advised, now hereby adopts in full the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommended Order and issues the following Final Order:

IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. Applicant is Granted an Indiana Insurance producer license.

Under Ind. Code §4-21.5-5-5, Respondent has the right to appeal this Final Order by filing a petition for Judicial review in the appropriate court within thirty (30) days.

ALL OF WHICH IS ORDERED by the Commissioner this 12 day of May, 2017.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Copies to:

Jessica Toth
254 Suburban St
Danville, IN 46122

Claire Szpara, Attorney
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204

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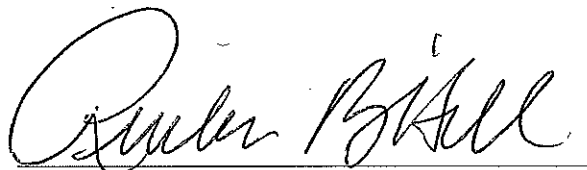
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STATE OF INDIANA
DEPT. OF INSURANCE

NOTICE OF FILING OF RECOMMENDED ORDER

The parties of this action are hereby notified that the Administrative Law Judge's Recommended Order is deemed filed as of this date.

To preserve an objection to this order for judicial review, you must object to the order in a writing that: 1) identifies the basis for your objection with reasonable particularity; and 2) is filed with the ultimate authority for the Final Order, the Commissioner of the Department of Insurance within eighteen (18) days from the date of this Order.



Reuben B. Hill
Administrative Law Judge

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

FILED

APR 18 2017

**STATE OF INDIANA
DEPT. OF INSURANCE**

IN THE MATTER OF:)

Jessica Toth)
254 Suburban St.)
Danville, IN 46122)

CAUSE NO.: 15898-AD17-0101-001

Applicant.)

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND RECOMMENDED ORDER**

Administrative Law Judge Reuben B. Hill ("ALJ"), having heard, reviewed and considered all of the evidence, will now render a decision concerning the matter of Jessica Toth ("Applicant"). This matter came on to be heard by the ALJ on February 15, 2017 at 11:00 a.m. at the Indiana Department of Insurance at 311 West Washington Street, Indianapolis, Indiana.

The Enforcement Division of the Indiana Department of Insurance ("Department") was represented by counsel, Claire Szpara. Applicant appeared in person and without counsel. Evidence was heard and exhibits were received into evidence.

Based upon the evidence presented at said hearing, the ALJ now makes the following Findings of Fact, Conclusions of Law, and issues the Recommended Order.

FINDINGS OF FACT

1. On December 16, 2016, Applicant applied for her resident insurance producer license.
2. Applicant disclosed a September 4, 2014 misdemeanor domestic battery conviction on her application.
3. On July 24, 2013, Applicant was at a residence and fighting with her then boyfriend. The resident was a friend of her now ex-boyfriend's.
4. Applicant admitted she was intoxicated while her ex-boyfriend was not at the time of incident.
5. Police responding to the residence observed Applicant's ex-boyfriend dragging her across the floor after he asked her to leave the residence and she would not.
6. Applicant's ex-boyfriend had scratches on his body, and he told police they were from Applicant. He also stated Applicant ripped multiple shirts off him during this incident.
7. Police tried to speak with Applicant, but she was slurring her words and too intoxicated to stand up without swaying and unable to walk.
8. Applicant admitted she told police it was all her fault and that she started the fight.
9. Applicant admitted she told police she struck her ex-boyfriend.
10. Applicant and ex-boyfriend share a child, who was four (4) years old at the time, and he observed this incident.
11. Applicant stated during the hearing that both she and her ex-boyfriend were arrested for this incident and both she and her ex-boyfriend were charged and convicted of misdemeanor domestic battery.

12. A protective order was issued against Applicant that restrained her from committing further acts of abuse or threats of abuse against her ex-boyfriend.
13. A No Contact order was also issued against Applicant, not allowing her to have contact with her ex-boyfriend other than to communicate regarding their child.
14. Applicant admitted at the time of the incident, she had a drinking problem. She was drinking "a lot" but only got violent with her ex-boyfriend.
15. Applicant stated she entered rehabilitation in October of 2013 and is now sober.
16. Applicant introduced four (4) letters attesting to her character and professionalism from her current employer, pastor, mother-in-law and previous employer.

CONCLUSIONS OF LAW

1. The Commissioner of Insurance has jurisdiction over both the subject matter and the parties to this action.
2. This hearing was held in compliance with the Administrative Orders and Procedures Act of the Indiana Code.
3. Indiana Code 27-1-15.6-12(b) states that the Commissioner may refuse to issue an insurance producer license, due to a number of factors.
4. Specifically, Indiana Code 27-1-15.6-12(b)(8) provides that the Commissioner may refuse to issue a license for "using fraudulent, coercive, dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere".
5. Applicant's misdemeanor domestic battery conviction, on its face, demonstrates coercive conduct in violation of Indiana Code 27-1-15.6-12(b)(8).

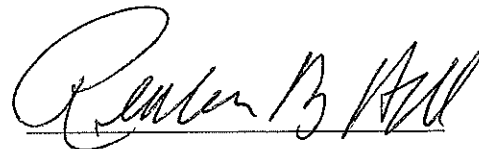
6. Indiana Code 4-21-5-3-14(c) states that the person requesting an agency take action has the burden of persuasion and the burden of going forward. Applicant is requesting that the Department issue her resident producer license and, therefore, bears the burden.
7. Pursuant to Indiana Code 27-1-15.6-12(d), the hearing was held to determine the reasonableness of the Commissioner's decision. Applicant failed to prove that the Commissioner's decision to deny her insurance producer license was unreasonable.
8. Findings of Fact that can be adopted as a Conclusion of Law are hereby incorporated herein as such

RECOMMENDED ORDER

In consideration of the foregoing Findings of Fact and the Conclusions of Law as stated, the Administrative Law Judge now recommends to the **Commissioner of Insurance** the following:

1. That the Applicant should be issued an Indiana Insurance Producer License.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the **Commissioner of Insurance** this 16th day of April, 2017.



Reuben B. Hill, Esq.
Administrative Law Judge

(See Distribution)

Distribution:

Distribution:

Jessica Toth
254 Suburban St.
Danville, IN 46122

Claire Szpara, Attorney
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

Cause No.: 15898-AD17-0101-001

IN THE MATTER OF:)
)
INSURANCE PRODUCER LICENSE)
APPLICATION OF:)
)
Jessica Toth)
254 Suburban St)
Danville, IN 46122)
)
Application ID: 568463)

FILED

JAN 17 2017

STATE OF INDIANA
DEPT. OF INSURANCE

PRELIMINARY ADMINISTRATIVE ORDER
AND NOTICE OF LICENSE DENIAL

The Indiana Department of Insurance, pursuant to the Indiana Administrative Orders and Procedures Act, Indiana Code §4-21.5-1 *et seq.* and Indiana Code §27-1-15.6-12, hereby gives notice to Jessica Toth ("Applicant") of the following Administrative Order:

1. Applicant submitted an application for licensure with the Commissioner of the Indiana Department of Insurance ("Commissioner") on December 16, 2016.
2. Before approving an application, the Commissioner must find that the applicant has met specific requirements under Indiana Code §27-1-15.6-6 and Indiana Code §27-1-15.6-12.
3. Indiana Code § 27-1-15.6-12(b)(8) provides that the Commissioner may deny a license application for using fraudulent, coercive, dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana and elsewhere.
4. Following a review of materials which were submitted in the application, the Commissioner being fully advised, now hereby notifies Applicant that she has not fully

met the requirements of licensure as stated by Indiana Code §27-1-15.6-12(b)(8) due to a misdemeanor conviction of Domestic Battery in Hendricks County, Indiana on September 4, 2014.

5. Indiana Code §27-1-15.6-12(d) provides that the Applicant may, not more than sixty-three (63) days after notice of denial of the applicant's application is mailed, make written demand to the Commissioner for a hearing before the Commissioner to determine the reasonableness of the Commissioner's action.

IT IS THEREFORE ORDERED that Applicant's request for licensure is hereby DENIED pursuant to Indiana Code §27-1-15.6-12(b)(8), due to a misdemeanor conviction of Domestic Battery in Hendricks County, Indiana on September 4, 2014.

1-17-17
Date Signed


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

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